REMARKS

In this Amendment, Claim 1 has been amended to recite an inner subbing pressure-sensitive layer --comprising rubber or acrylic pressure-sensitive adhesive--. This amendment is supported by the specification at, for example, page 4, line 1 and page 12, lines 2-3.

Claim 6 has been amended to recite a subbing base material --selected from the group consisting of plastic film and metal foil--. This amendment is supported by the specification at, for example, page 14, line 16-17.

Claim 8 has been cancelled.

No new matter has been added and thus, entry of the Amendment is respectfully requested. Upon entry of the Amendment, Claims 1-7 and 9-13 will be all the claims pending in the application.

In Paragraph No. 3 of the Office Action, Claims 1, 4-6 and 10-13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over NITTO DENKO CORP. in view of Johnson et al and further in view of Enrenberg et al, for the same reasons as set forth in the previous Office Action.

Applicants respectfully traverse the rejection. While not agreeing with the arguments for the rejection, Applicants have, in this Amendment, amended Claim 1 to further define the inner subbing pressure-sensitive layer to be one made of rubber or acrylic pressure-sensitive adhesive. Applicants have also amended Claim 6 to further define the subbing base material to be plastic film or metal foil.

Johnson et al discloses a multi-layer article comprising a sealant layer, a core layer, and optionally, a bonding layer in this order (Abstract), wherein the core layer may be made of open or closed cell foams (column 3, lines 41-45), and the bonding layer may be an acrylic PSA polymer (column 20, lines 11-12 and 25-26).

Johnson et al also discloses that a tie layer may be disposed between the sealant (and bonding) layer and the core layer to enhance adhesion between the two layers, wherein the tie layer can be polymeric films, PSA, pressure-activated adhesives, heat activated adhesives and the like. (column 8, line 58-column 9, line 3).

However, Johnson et al does not disclose or suggest the presently claimed waterstop and deterioration-reducing properties by using a tie layer between the sealant layer and the core layer.

Specifically, in the present invention, as described in the specification, on pages 31 to 32, a sealant material comprising a polyester PSA layer, a subbing acrylic PSA layer and a foamed closed-cell structure shows that water stops (leaking) at a compressibility of 10% in both a U-shaped water stop test and water stop test after high temperature treatment. On the other hand, the sealant material without a subbing layer shows that water stops (leaking) at a compressibility of 40% in a U-shaped water stop test and 30-50% in water stop test after high temperature treatment.

Accordingly, even if there might be a suggestion or motivation to combine Johnson et al and NITTO DENKO in view of Enrenberg et al, the combination would not render obvious the present invention, because the present invention provides unexpected superior results.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In Paragraph No. 5 of the Office Action, Claims 2-3 and 7-9 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over NITTO DENKO CORP. in view of Johnson et al and further in view of Enrenberg et al as applied to Claims 1, 4-6 and 10-13 above, and further in view of Hartman et al, for the same reasons as set forth in the previous Office Action.

Applicants respectfully traverse the rejection for the same reasons discussed above, because Hartman et al does not rectify the deficiencies of NITTO DENKO CORP. and Johnson et al in view of Enrenberg et al. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: June 4, 2003

APPENDIX

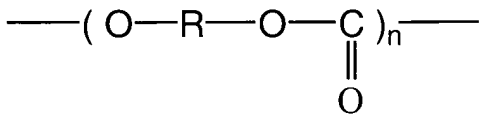
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 8 is cancelled.

The claims are amended as follows:

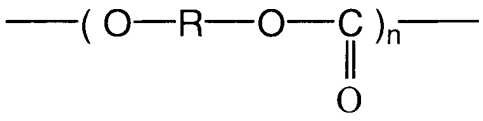
1. (Thrice Amended) A waterstop sealing material comprising a foamed structure having closed cells or both closed cells and open cells, said foamed structure having two opposing surfaces, and a multi-layer pressure-sensitive adhesive layer provided on the first of said opposing surfaces, said multi-layer pressure-sensitive adhesive layer comprising an inner subbing pressure-sensitive layer comprising rubber or acrylic pressure-sensitive adhesive and an outermost layer comprising a pressure-sensitive adhesive composition containing a polymer having a polycarbonate structure having a repeating unit represented by the following general formula:



wherein R represents a $C_{2\text{-}20}$ straight-chain or branched hydrocarbon group and n represents a positive integer, wherein the inner subbing pressure-sensitive layer and the outermost layer have different compositions.

6. (Thrice Amended) A waterstop sealing material comprising a foamed structure having closed cells or both closed cells and open cells, said foamed structure having two opposing surfaces, and on the first of said opposing surfaces a layer comprising a subbing base material selected from the group consisting of plastic film and metal foil, and, as an outermost

layer, a layer comprising a pressure-sensitive adhesive composition containing a polymer having a polycarbonate structure having a repeating unit represented by the following general formula:



wherein R represents a C_{2-20} straight-chain or branched hydrocarbon group and n represents a positive integer.